

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON

ROBERT A. FLAUGHER, as Administrator of the
Estate of Shahnaz Rumman,
Plaintiffs,

v.

Case No. 3:13-CV-28460

CABELL HUNTINGTON HOSPITAL, INC.,
UNIVERSITY PHYSICIANS & SURGEONS, INC.,
MARSHALL UNIVERSITY BOARD OF GOVERNORS,
JESSICA K. GRANGER,
CHRISTINE V. GUTIERREZ,
DAVID C. JUDE,
RANDY S. KINNARD,
BRENDA BROWN; and
Y. ALEXIS DAUGHERTY,
Defendants.

DEFENDANTS', UNIVERSITY PHYSICIANS & SURGEONS, INC.,
MARSHALL UNIVERSITY BOARD OF GOVERNORS, JESSICA K.
GRANGER, CHRISTINE V. GUTIERREZ, DAVID C. JUDE AND RANDY S.
KINNARD, RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR
ADMISSIONS TO ALL DEFENDANTS

COME NOW the defendants, University Physicians & Surgeons, Inc.,

Marshall University Board of Governors, Jessica K. Granger, Christine V. Gutierrez, David C. Jude and Randy S. Kinnard, by counsel, D.C. Offutt, Jr., Anne Liles O'Hare, and Offutt Nord Burchett, PLLC, and provide the following responses to Plaintiff's First Request for Admission to all Defendants:

REQUEST FOR ADMISSIONS

REQUEST NO. 1: That no physician examined Dr. Rumman before 9:00 p.m. on September 28, 2011.

PLAINTIFF'S
EXHIBIT

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RESPONSE: These Defendants deny the allegations contained in Request No. 6.

REQUEST NO. 7: That Dr. Rumman was not triaged in the Emergency Department.

RESPONSE: These Defendants lack sufficient knowledge and information at this time to either admit or deny the allegations contained in Request No. 7.

REQUEST NO. 8: That Dr. Rumman was triaged in the Outpatient Obstetrical Unit.

RESPONSE: These Defendants admit that Dr. Rumman was triaged in the Obstetrical Triage Unit.

REQUEST NO. 9: That Dr. Rumman was triaged in the Labor and Delivery Unit.

RESPONSE: These Defendants deny the allegations contained in Request No. 9.

REQUEST NO. 10: That Dr. Rumman was triaged in the Surgical/Intensive Care Unit.

RESPONSE: Objection. The word "triaged" is ambiguous in the context of this question. Without waiving this objection, these Defendants lack sufficient knowledge and information at this time to either admit or deny the allegations contained in Request No. 10.

REQUEST NO. 11: That when Dr. Rumman was triaged on September 28, 2011, she was not assigned a triage level/category.

RESPONSE: These Defendants lack sufficient knowledge and information at this time to either admit or deny the allegations contained in Request No. 11.

REQUEST NO. 12: That Dr. Rumman's assigned triage level/classification was not hand-written in her medical chart.

RESPONSE: These Defendants admit the allegations contained in Request No. 12.

REQUEST NO. 13: That Dr. Rumman's assigned triage level/classification was not electronically recorded in her medical chart.

RESPONSE: These Defendants admit the allegations contained in Request No. 13.

REQUEST NO. 14: That you performed a triage assessment of Dr. Rumman.

RESPONSE: These Defendants deny the allegations contained in Request No. 14. None of these defendants performed a triage assessment of Dr. Rumman.

REQUEST NO. 15: That each time a nurse at Cabell-Huntington Hospital performs a triage assessment on a patient, the level of the triage classification must be noted in the patient's chart.

REQUEST NO. 53: That under the applicable standard of nursing care, any time an antibiotic is administered to a patient at Cabell-Huntington Hospital, the date and time it is administered to the patient must be noted in the patient's medical chart.

RESPONSE: These Defendants lack sufficient knowledge and information at this time to either admit or deny the allegations contained in Request No. 53.

REQUEST NO. 54: That under the applicable standard of medical care, any time an antibiotic medication is administered to a patient at Cabell-Huntington Hospital, the date and time it is administered to the patient must be noted in the patient's medical chart.

RESPONSE: These Defendants admit the allegations contained in Request No. 54.

UNIVERSITY PHYSICIANS &
SURGEONS, INC., MARSHALL
UNIVERSITY BOARD OF GOVERNORS,
JESSICA K. GRANGER, CHRISTINE V.
GUTIERREZ, DAVID C. JUDE and
RANDY S. KINNARD,

BY COUNSEL

/s/ D. C. Offutt, Jr.

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CERTIFICATE OF SERVICE

I, D. C. Offutt, Jr. Esquire, counsel for Defendants', University Physicians & Surgeons, Inc., Marshall University Board of Governors, Jessica K. Granger, Christine V. Gutierrez, David C. Jude and Randy S. Kinnard, state that the foregoing "Defendants', University Physicians & Surgeons, Inc., Marshall University Board of Governors, Jessica K. Granger, Christine V. Gutierrez, David C. Jude and Randy S. Kinnard, Responses to Plaintiff's First Request for Admissions to All Defendants" was served upon counsel, via U. S. Mail, postage prepaid, this 15th day of May, 2014.

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